

**REMARKS**

Upon entry of the above amendments, claim 16 will be pending. Applicants note that an Information Disclosure Statement shall be forthcoming, to be filed under separate cover.

In view of the above amendments, and the following remarks, Applicants respectfully request reconsideration and allowance of the present application.

In the Office Action dated July 28, 2004, claims 1-7 and 15 are rejected under 35 USC Section 103(a) as being unpatentable over Ibarra (US Patent No. 6,119,097) in view of the '182 Powers patent (US Patent No. 6,615,182), and further in view of Darlings et al. (Darlings et al., "Databases with Character," InfoWorld, February 21, 1994, Vol. 16, Issue 8, Pages 67-79).

Claims 8-14 are rejected under 35 USC Section 103(a) as being unpatentable over Ibarra (US Patent No. 6,119,097), '182 Powers patent (US Patent No. 6,615,182), and Darlings et al. (Darlings et al., "Databases with Character," InfoWorld, February 21, 1994, Vol. 16, Issue 8, Pages 67-79), and further in view of Official Notice.

For the reasons set forth herein, Applicants believe the presently pending claim is patentable. Accordingly, Applicants shall neither confirm nor deny any of the statements or assumptions made by the Examiner in the Office Action, and there is no need to address or respond to any such statements or assumptions as they are now moot in view of the newly-submitted claim.

In human resources management, measurements are made related to the tasks performed by human resources within a given organization or group. That information can be used for a number of different reasons, including the management of the performance of employees on an individual or group basis. A couple of challenges are presented to a company that wants to both measure performance and manage performance based on these measurements. First, data needs to be collected that is related to or indicative of how good an individual or group of individuals is performing. Second, performance metrics based on such data need to be defined and calculated.

The way (how) each of these challenges are addressed can have a significant impact on the flexibility of a given computer system. The ease with which such a system can be configured and the usefulness of the information ultimately presented to the user both depend in large part on this flexibility. For information technology (IT) systems, issues like these are "holy grail" issues.

The present invention as claimed in claim 16, presented above, facilitates the definition and calculation of performance metrics from data units, in a "way" that allows both easier

configuration (e.g., by avoiding the need to write custom code whenever a new performance metric is defined) and more useful performance metrics. Now, a user without sophisticated programming skills can readily define performance metrics and link those performance metrics to data units of different types being received from a source database.

Independent claim 16 submitted above recites, among other features, a data configuration user interface to present to a user, via computer screen, data input mechanisms. The recited data input mechanisms include a screen presentation of a user input field, a screen presentation of a set of data unit type fields to receive user input given type terms, and an operator input mechanism to receive via the computer screen a user chosen operator defining a mathematical operation to be performed on the given type terms.

The '182 Powers patent is directed to a system and method for defining the organizational structure of an enterprise in a performance evaluation system. The disclosed system has, e.g., as shown in Fig. 1, a client platform 18 and a performance evaluation system 10 connected to client platform 18 via a network 22. The performance evaluation system comprises a database space 16, which comprises a number of tables.

As described at col. 5, lines 9-15 of the 182 Powers patent, productivity data is mapped from a delimited file into the database "based on the configuration defined in the database..."

As set forth at col. 5, line 16 *et seq.* of the 182 Powers patent, the "database space 16 includes a database manager 70 and a database 72. The database manager 70 calls stored procedures 80 to access the database 72. The stored procedures 80 are precompiled collections of SQL statements and optional control-of-flow statements stored under a name and processed as a unit..."

Accordingly, the Powers et al. database is configured using programming SQL and control-of-flow statements – not using a user interface for specifying fields in any manner even remotely similar to the features recited in claim 16.

Claim 16 does not just simply recite a user interface for configuring data. Rather, claim 16 recites a computer screen presentation of a user input field to receive from user input a given text character term identifying a given performance metric to be defined using the data configuration user interface.

The Powers '182 patent, considered alone or in any proper combination with any other reference of record, fails teach or suggest any such computer screen presented user input field to identify a performance metric to be defined.

Claim 16 further recites a computer screen presentation of a set of data unit type fields corresponding to the given performance metric, to receive from user input given type terms indicating types of data units to be collected and used to formulate the given performance metric.

The Powers '182 patent, considered alone or in any proper combination, still fails teach or suggest this feature or any type of data unit type field in a computer screen presentation.

Claim 16 further recites an operator input mechanism to receive via the computer screen a user chosen operator defining a mathematical operation to be performed on the given type terms in the formulation of the given performance metric.

The Powers '182 patent, considered alone or in any proper combination, also fails teach or suggest an operator input mechanism to receive via the computer screen a user chose operator.

Ibarra discloses a system and method for quantifying human performance factors. Specifically, the patent discloses a program for enabling a supervisor to manage by objective standards, thereby leaving no excuse for failure if the standard is clearly understood by both an employee and a supervisor. See, e.g., Ibarra col. 4, lines 18-21.

The Ibarra system fails to teach, among other features recited above in claim 16, receiving data units from a source database, and configuring performance metrics through the use of a data configuration user interface. Accordingly, Ibarra fails to remedy the deficiencies of the Powers '182 patent as noted above.

The Darling article is entitled "Databases with character", and evaluates four DOS databases. In applying this reference, the Office Action asserts that it would have been obvious to put data dictionary features in the Ibarra system as modified in the Office Action by the '182 Powers patent.

Assuming arguendo that it would have been obvious to put a data dictionary such as the Clarion data dictionary as described by the Darling article, the resulting combination does not have the features recited in claim 16. Claim 16 recites the "way" it facilitates flexibility and ease of configuration in the definition of performance metrics. Claim 16 recites more than mere the use of a data dictionary.

Previously pending claims were further provisionally rejected under the judicially created doctrine of obviousness-type double patenting. Applicants have presented new claims in both this application and in Application No. 09/672,829. Upon receiving favorable treatment of all the pending claims in other issues, Applicants shall consider filing a terminal disclaimer.

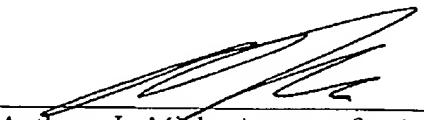
In view of the foregoing, reconsideration and allowance are respectfully requested. A Notice to that effect is earnestly solicited.

Should there be any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,

Dated: 1/28/05

By:

  
\_\_\_\_\_  
Anthony L. Miele, Attorney for Applicants  
Registration Number 34,393  
Customer Number 000050048  
Miele Law Group  
137 South Main Street  
Natick, MA 01760  
Phone: 508-275-2173 Fax: 508-319-3001

-6-